



COUNTY OF MAUI
DEPARTMENT OF PLANNING
KALANA PAKUI BUILDING
250 SOUTH HIGH STREET
WAILUKU, MAUI, HAWAII 96793

PHONE: (808) 270-7253
(800) 272-0117
FAX: (808) 270-7634
WEB: www.co.maui.hi.us
E-MAIL: planning@co.maui.hi.us

VARIANCE AND PUBLIC HEARING REQUIREMENTS
FOR TITLE 12
(STREETS, SIDEWALKS AND PUBLIC PLACES)

The following will be required for initiation of an application for variance from County Ordinances:

1. Completed application form. (20 copies) (Form 1)
2. **Non-refundable filing fee** (see Fee Schedule, Table A) payable to *County of Maui, Director of Finance*.
3. Copy of the "Notice of Application for a Variance." (Form 2)
4. An affidavit certifying that the "Notice of Application for a Variance" was mailed to all adjacent owners and lessees and those directly across the street from the subject property. All notices shall be mailed by certified mail, return receipt requested. (Form 3)
5. A list by tax map key of all adjacent owners and lessees and those directly across the street from the subject property. The list shall be compiled from the latest records at the Real Property Tax Section of the County of Maui's Department of Finance at the time of filing.
6. Documents which identify the owner of the subject property. If the applicant is a lessee, submit copy of recorded lease document with at least an unexpired term of five years from the date of filing.
7. If applicant is not the owner, provide a notarized written authorization from the owner for the application.
8. Dated photographs of the site or structure which relate to the variance request. Photographs shall be mounted on 8-1/2" x 11" sheets. (20 copies)
9. One (1) copy of all previously approved building permits and notices of warning and/or violation for the subject property. (If applicable) [Reduced to 8.5 x 11 inch sheet(s) of paper]

10. Twenty (20) copies of plans, stamped, prepared by, or under the supervision of a licensed engineer, surveyor, or architect, if applicable. The plans shall be drawn to scale which shows (if applicable):
 - a. The property lines and easements, with dimensions and area calculations, of the subject property;
 - b. Location, size, spacing, setbacks, and dimensions of all existing and proposed buildings, structures, and improvements;
 - c. The building elevations, sections, and floor plan and site sections which clearly define the character of the development;
 - d. The existing and proposed landscaping plans which show open spaces, plantings, and trees;
 - e. The existing streets which access the property and all proposed roads and parking areas, with dimensions;
 - f. The shoreline, shoreline setback lines, stream, and other setback lines;
 - g. All topographic information which show existing features and conditions and any proposed grading.
11. A location map identifying the site, adjacent roadways, and identifying landmarks. (20 copies) (Reduced to a 8.5 x 11 inch sheet of paper)
12. Description of the existing and proposed floor area, parking, and loading calculations and areas of the subject property, if appropriate.

Please Note: If the variance is approved, you may be required to provide a Certificate of Liability Insurance coverage (up to \$1,000,000.00) naming the County of Maui as an additional named insured, insuring and defending the applicant and County of Maui against any and all claims or demands for property damage, personal injury and/or death arising out of this variance.

SCHEDULING AND NOTIFICATION OF PUBLIC HEARING GUIDELINE

1. Within ten (10) days after the receipt of the variance application, the Director of Planning will schedule the public hearing date provided the application is determined to be complete. The variance application will be returned to the applicant if it is determined to be incomplete.
2. Not less than thirty (30) days prior to the public hearing date, the Director of Planning will publish a notice of the date, time, place and subject matter of the public hearing.
3. Not less than thirty (30) calendar days prior to the public hearing date, the applicant shall transmit a "Notice of Public Hearing" (Form 4) by certified mail, return receipt requested, of the date, time, place, and subject matter of the public hearing, to the owners and lessees of record adjacent to and across the street from the subject property and shall submit any updated names and addresses of these owners and lessees derived from the return receipts received on the notices of application previously mailed to these owners and lessees.
4. Not less than ten (10) business days prior to the date of the public hearing, the applicant shall submit all certified mail receipts received for the certified mail sent out (mounted on 8.5 X 11 inch sheets of paper).
5. The applicant shall publish a copy of the "Notice of Public Hearing" (Form 4) once per week for three consecutive weeks prior to the public hearing date in a newspaper which is printed and issued at least twice (2) weekly in the county and which is generally circulated throughout the county. The intervals between the public hearing notices shall be not less than six (6) days. Upon completion of the published notice, please submit written verification that the required notice has been fulfilled.

VARIANCE APPLICATION
(TO BE TYPED OR PRINTED)

Applicant's Name: _____ Telephone No.: _____

Applicant's Mailing Address: _____

Applicant's interest, if not owner: _____

Owner's Name: _____ Telephone No.: _____

Owner's Mailing Address: _____

Project Name: _____ TMK: _____

Street Address: _____

Applicable Ordinance(s), Rule(s), or Regulation(s) and Section(s) in question: _____

Description of request (include existing uses and uses for which this application is being filed):

In order for the Board to grant the subject variance, the applicant presents evidence that the request meets the following requirements of Chapter 12.08.190 of the Maui County Code:

1. That the exception or variance desired arises from peculiar physical conditions not ordinarily found in most districts or because of the peculiarity of a business.
2. That the exception or variance desired is not against the interest, safety, convenience and general welfare of the public.

3. That the granting of the permit for the exception or variance will not adversely affect the rights of adjacent property owners or tenants.

4. That the strict application of the terms of this chapter will work unnecessary hardship an practical difficulty on the property owner or tenant.

Applicant's Signature: _____ Date: _____

**NOTICE OF
APPLICATION FOR A VARIANCE**

To: _____ Date: _____

The undersigned will apply to the County of Maui, Board of Variances and Appeals
for a variance affecting the following real estate:

PROJECT NAME: _____

PROJECT ADDRESS: _____

TAX MAP KEY: _____

(LOCATION MAP IS ATTACHED)

THE REQUEST WILL BE RELATIVE TO THE FOLLOWING: _____

ORDINANCE AFFECTING THE REQUEST: _____

BRIEF DESCRIPTION OF REQUEST INCLUDING THE EXISTING AND PROPOSED
USES FOR WHICH THE APPLICATION WAS FILED:

Information relative to this application is available for review at the office of the Planning Department, 250 South. High Street, Wailuku, Maui, Hawaii. Inquiries may be made by telephoning (808) 270-7253 or in person(s) at the division's office.

The date, time and place of the public hearing will be published at least thirty (30) days prior to the date of the hearing.

All testimony pertaining to this request should be submitted in writing to the Department of Planning, 250 South High Street, Wailuku, Maui, Hawaii 96793, or presented in person at the time of the public hearing.

NAME OF APPLICANT (PLEASE PRINT)

SIGNATURE OF APPLICANT

MAILING ADDRESS

TELEPHONE NUMBER

(LOCATION MAP)

**NOTARIZED AFFIDAVIT OF MAILING OF
NOTICE OF APPLICATION**

_____, being first duly sworn on oath,
deposes and says that:

1. Affiant is the applicant for a _____
for land situated at _____
TMK: _____.
2. Affiant did on _____, 2005, deposit in the United States mail,
by certified mail, return receipt requested, post paid, copy of a **NOTICE OF
APPLICATION**, a copy of which is attached hereto as "**EXHIBIT A**" and made a
part hereof, addressed to each of the persons identified in the **LISTING** of recorded
owners and lessees identified as "**EXHIBIT B**" attached hereto and made a part
hereof.

Further affiant sayeth naught:

STATE OF HAWAII)

COUNTY OF MAUI)

) SS.

On this _____ day of _____, 2005, before me personally appeared _____ and _____ to me known to be the persons described in and who executed the foregoing instrument and acknowledged that they executed the same as their free act and deed.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

Notary Public, State of Hawaii

My commission expires:

STATE OF HAWAII)

COUNTY OF MAUI)

) SS.

On this _____ day of _____, 2005, before me personally appeared _____ and _____ to me known to be the persons described in and who executed the foregoing instrument and acknowledged that they executed the same as their free act and deed.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

Notary Public, State of Hawaii

My commission expires:

STATE OF HAWAII)

COUNTY OF MAUI) SS.

On this _____ day of _____, 2005, before me personally appeared _____ and _____ to me known to be the persons described in and who executed the foregoing instrument and acknowledged that they executed the same as their free act and deed.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

Notary Public, State of Hawaii

My commission expires:

STATE OF HAWAII)

COUNTY OF MAUI) SS.

On this _____ day of _____, 2005, before me personally appeared _____ and _____ to me known to be the persons described in and who executed the foregoing instrument and acknowledged that they executed the same as their free act and deed.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

Notary Public, State of Hawaii

My commission expires:

(COPY OF “NOTICE OF APPLICATION FOR A VARIANCE”)

(EXHIBIT “A”)

FORM 3

(Page 4)

**(COPY OF “LIST BY TAX MAP KEY OF ALL OWNERS/LESSEES” OF PROPERTIES
ADJACENT TO AND DIRECTLY ACROSS THE STREET
FROM THE SUBJECT PROPERTY)**

(EXHIBIT “B”)

FORM 3

(Page 5)

**NOTICE OF PUBLIC HEARING
BOARD OF VARIANCES AND APPEALS**

NOTICE IS HEREBY GIVEN of a public hearing to be held by the Maui County Board of Variances and Appeals at the Kalana Pakui Conference Room, First Floor, 250 South High Street, Wailuku, Maui, Hawaii, on Thursday, _____, at 1:30 p.m., or as soon thereafter as those interested may be heard to consider the following request pursuant to SECTION NO. 12-801-10(h) of the RULES OF PRACTICE AND PROCEDURE OF THE BOARD OF VARIANCES AND APPEALS:

Information relative to the above application is available for review at the Planning Department's office located at 250 South High Street, Wailuku, Maui, Hawaii.

Those persons requesting special accommodations, due to disabilities, please call the Maui Planning Department at 270-7253 (Maui) or 1-800-272-0117 (from Molokai) or 1-800-272-0125 (from Lanai) or notify the Maui Planning Department in writing at 250 South High Street, Wailuku, Maui, Hawaii 96793 or FAX Number 270-7634; at least six days before the scheduled meeting.

Testimonies regarding the above request may be filed in writing or faxed by 4:30 p.m. on _____, to the Planning Department, 250 South High Street, Wailuku, Maui, Hawaii 96793, or presented in person at the time of the hearing.

BOARD OF VARIANCES AND APPEALS
By MICHAEL W. FOLEY
Planning Director

FORM 4

(02.22.05)